

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANTHONY RAPP and C.D.,

Plaintiffs,

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

Case No. 1:20-cv-09586 (LAK) (SDA)

STIPULATION AND [PROPOSED] ORDER TO RESET PRETRIAL DEADLINES

Plaintiff Anthony Rapp (“Plaintiff”) and defendant Kevin Spacey Fowler a/k/a Kevin Spacey (“Defendant”), by and through their undersigned counsel of record, and subject to the approval of the Court, stipulate as follows:

WHEREAS the Court issued its initial Scheduling Order on January 12, 2021 (ECF No. 21);

WHEREAS on April 12, 2021, the Court extended the deadlines in the initial Scheduling Order for reasons set forth in Defendants’ letter to the Court (ECF No. 63);

WHEREAS on June 17, 2021, the Court granted Defendants’ motion to dismiss plaintiff C.D. from this case, thereby leaving Plaintiff and Defendant as the only parties to this action (ECF No. 72);

WHEREAS on July 15, 2021, Plaintiff served responses to interrogatories and supplemental Rule 26 disclosures;

WHEREAS Defendant contends Plaintiff’s objections and responses to interrogatory nos. 2-5 are deficient and intends to separately raise those issues with the Court following the parties’ unsuccessful meet and confer;

WHEREAS Defendant also contends Plaintiff's responses to interrogatory no. 1 and identification of eight (8) potential witnesses in its July 15, 2021 supplemental Rule 26 disclosures has caused and will cause prejudice to Defendant given the present pretrial schedule;

WHEREAS Defendant contends the prejudice is exacerbated because Defendant's lead counsel in this case, including attorneys Jennifer Keller and Chase Scolnick, will begin a three-month jury trial in California state court on August 16, 2021, which will jeopardize their ability to conduct the discovery and depositions necessitated by the recently-disclosed information;

WHEREAS as a result of the above-referenced factors, Defendant proposed an extension of the pretrial deadlines in this case such that the pretrial order and other "ready for trial" filings be submitted in mid-February 2022;

WHEREAS Plaintiff contends his recent interrogatory responses and supplemental Rule 26 disclosures are proper and have not caused Defendant any prejudice; and

WHEREAS Plaintiff nonetheless agrees to an extension of the pretrial deadlines due to Defendant's counsel's trial schedule and counter-proposed March 14, 2022 as a deadline for the pretrial order and other "ready for trial" filings;

NOW THEREFORE, Plaintiff and Defendant stipulate and agree to reset the pretrial deadlines as follows:

1. The deadline to complete all discovery shall be February 14, 2022 (extended from October 1, 2021).

2. The deadline to file and service summary judgments shall be March 14, 2022 (extended from November 1, 2021).

3. The deadline to file the pretrial order, proposed jury instructions, and requested voir dire questions (case ready for trial) shall be March 14, 2022 (extended from November 1, 2021).

IT IS SO STIPULATED.

Dated: July 26, 2021
New York, New York

Respectfully submitted,

/s/ Peter J. Saghir

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Counsel for Plaintiff Anthony Rapp

Dated: July 26, 2021
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Respectfully submitted,

/s/ Chase A. Scolnick

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*Counsel for Defendant Kevin Spacey
Fowler a/k/a Kevin Spacey*

[PROPOSED] ORDER

Based on the foregoing Stipulation and other good cause appearing , IT IS HEREBY ORDERED, that the pretrial deadlines are reset as follows:

1. The deadline to complete all discovery shall be February 14, 2022 (extended from October 1, 2021).
2. The deadline to file and service summary judgments shall be March 14, 2022 (extended from November 1, 2021).
3. The deadline to file the pretrial order, proposed jury instructions, and requested voir dire questions (case ready for trial) shall be March 14, 2022 (extended from November 1, 2021).

IT IS SO ORDERED.

Dated: July __, 2021

The Honorable Lewis A. Kaplan
United States District Judge

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2, I, Chase A. Scolnick, hereby certify that on July 26, 2021 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Chase A. Scolnick _____

Chase A. Scolnick